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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

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12 UNITED STATES OF AMERICA, Plaintiff,
13 v.
14 PAUL WHITMORE, Defendant.

15 CASE NO: CRF-02-5301 OWW

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17 **STIPULATION AND ORDER
TO CONTINUE HEARING ON
DEFENDANT'S MOTION TO
VACATE FEDERAL CONVICTION**

18 The parties hereto, by and through their respective attorneys, stipulate and
19 agree that the hearing scheduled for November 26, 2007, be continued until
20 January 7, 2008 at 1:30 p.m. in the above-entitled court.

21 The parties agree to the following briefing schedule: Defendant Paul
22 Whitmore shall have until November 26, 2007 to file any supplemental pleading
23 addressing the issues, as requested by the court at the hearing on September 4,
24 2007. The government shall have until December 24, 2007 to submit a response
25 to Mr. Whitmore's submission.

26 This stipulation is necessary to permit the parties to determine whether a
27 resolution of the issues central to the pending motion, now before this court, can
28 be accomplished by the parties by means of direct negotiations with state and
federal authorities.

29 The parties also agree that any delay resulting from this continuance shall
30 be excluded in the interest of justice pursuant to 18 U.S.C. §§3161(h)(1)(F),

1 3161(h)(8)(A) and 3161(h)(8)(B)(I).

2 DATED: October 29, 2007

/s/ David Gappa

DAVID GAPPAA

Assistant United States Attorney

**This was agreed to by Mr. Gappa
via telephone, on October 29, 2007**

6 DATED: October 29, 2007

/s/ Roger K. Litman

ROGER K. LITMAN

Attorney for Defendant

PAUL WHITMORE

10 **ORDER**

11 The court having considered the stipulation of the parties and GOOD CAUSE
12 APPEARING, the court now orders that the sentencing hearing currently scheduled
13 for November 26, 2007 be continued to January 7, 2008 at 1:30 p.m.

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15 IT IS SO ORDERED.

16 Dated: October 29, 2007

/s/ Oliver W. Wanger

17 UNITED STATES DISTRICT JUDGE

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